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6–23 June 2017
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Algeria,* Andorra,* Argentina,* Australia,* Austria,* Azerbaijan,* Belgium, Bosnia and Herzegovina,* Brazil, Bulgaria,* Croatia, Cyprus,* Denmark,* Equatorial Guinea,* Ethiopia, Gabon,* Georgia, Guinea,* Finland,* Honduras,* Hungary, Iceland,* Indonesia, Ireland,* Israel,* Latvia, Lesotho,* Liechtenstein,* Luxembourg,* Madagascar,* Malta,* Montenegro,* Morocco,* Netherlands, Paraguay, Peru,* Poland,* Portugal, Qatar, Republic of Korea, Republic of Moldova,* Romania,* Senegal,* Slovakia,* Slovenia, Spain,* Switzerland, Tunisia, Ukraine,* United Kingdom of Great Britain and Northern Ireland, Yemen:* draft resolution

35/... The negative impact of corruption on the enjoyment of human rights

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council, including Council resolutions 19/20 of 23 March 2012 and 31/14 of 23 March 2016 on the role of good governance in the promotion and protection of human rights, 21/13 of 27 September 2012 on a panel discussion on the negative impact of corruption on the enjoyment of human rights, 23/9 of 13 June 2013 and 29/11 of 2 July 2015,

Recalling also that the United Nations Convention against Corruption, to which 140 States are signatories and 181 States are parties, is the most comprehensive and universal instrument on corruption, since its entry into force on 14 December 2005, the purposes of which are outlined in its article 1,

* State not a member of the Human Rights Council.

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Noting with interest the outcomes of the third, fourth and fifth sessions of the Conference of the States Parties to the United Nations Convention against Corruption, held, respectively, in Doha in 2009, in Marrakech, Morocco, in 2011, in Panama City in 2013, and the sixth session of the Conference held in Saint Petersburg, Russian Federation, in 2015, as well as plans to convene the seventh session of the Conference in Vienna in 2017, and stressing the need for States parties to the Convention to ensure effective implementation of resolutions adopted by the Conference,

Noting the compilation of best practices of efforts to counter the negative impact of corruption on the enjoyment of all human rights developed by States, national human rights institutions, national anti-corruption authorities, civil society and academia, prepared by the Office of the United Nations High Commissioner for Human Rights and submitted to the Council at its thirty-second session,

Reaffirming that States have the primary responsibility for the promotion and protection of human rights,

Recognizing that the international legal frameworks for protecting human rights and combating corruption are complementary and mutually reinforcing,

Recognizing also that improvements in the promotion and protection of human rights at the domestic level has a central role to play in the prevention of and the fight against corruption at all levels,

Recognizing further that good governance and rule of law, and the promotion and protection of human rights and fundamental freedoms, including the right to seek, receive and impart information, the right to take part in the conduct of public affairs and the right to a fair trial before a competent, independent and impartial court, established by law, are essential in domestic efforts to prevent and fight against corruption,

Highlighting the global character of corruption and the consequential need for international cooperation to prevent and suppress corruption and to recover assets of illicit origin derived from acts of corruption,

Recognizing the increasing awareness in the international community of the detrimental impact of widespread corruption on human rights through both the weakening of institutions and the erosion of public trust in government, and through the impairment of the ability of Governments to fulfil all their human rights obligations and to realize, within the maximum available resources, the Sustainable Development Goals,

Welcoming the 2030 Agenda for Sustainable Development, including its recognition of the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights, on effective rule of law and on good governance at all levels, and on transparent, effective and accountable institutions, and its addressing of factors that give rise to violence, insecurity and injustice, such as inequality, corruption, poor governance and illicit financial and arms flows,

Acknowledging that marginalized groups are at particular risk of suffering from the adverse impact of corruption on the enjoyment of human rights,

Recognizing that such adverse impact can lead to and be further aggravated by discrimination,

Stressing that preventive measures are one of the most effective means of countering corruption and of avoiding its negative impact on the enjoyment of human rights, and underlining that prevention measures should be strengthened at all levels,

Recognizing the importance of creating a safe and enabling environment for civil society, whistle-blowers, witnesses, anti-corruption activists, journalists, prosecutors,

lawyers and judges, and to protect these individuals from any threats arising from their activities in preventing and fighting against corruption,

Underlining the importance of an independent and impartial judiciary, an independent legal profession, an objective and impartial prosecution and the integrity of the judicial system to prevent and combat corruption and to address its negative impact on human rights, in line with rule of law and the right to a fair trial, to access to justice and to an effective remedy, without discrimination,

Stressing the importance of setting up an appropriate legal framework to safeguard human rights while preventing and combating corruption,

Emphasizing that human rights education and awareness-raising campaigns and other measures are important enablers for the prevention of and the fight against corruption,

Acknowledging that the State should protect against any adverse human rights impacts arising from acts of corruption involving non-State actors, including the private sector, through effective regulatory and investigative mechanisms, with a view to holding perpetrators to account, recovering assets of illicit origin derived from acts of corruption and providing redress to victims,

Highlighting that States shall, in accordance with their respective legal systems, endeavour to establish and promote effective practices aimed at the prevention of corruption and its impact on the enjoyment of human rights, and to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption, including by ensuring transparency, access to public information, accountability, non-discrimination and meaningful participation in the conduct of public affairs,

Observing that corruption frequently results in discriminatory access to public services and goods, and renders those in vulnerable situations more prone to adversely suffering from the negative social and environmental impacts of economic activities,

Highlighting that national human rights institutions could play an important role in raising awareness and promoting educational and training activities regarding the impact of corruption on human rights, through their complaint procedures, investigations and analysis,

Highlighting the opportunities provided by information and communications technologies to strengthen transparency and accountability, as well as to prevent, detect and investigate corruption,

Stressing the importance of indicators, as appropriate, for measuring the negative impact of corruption on the enjoyment of human rights and on the realization of the Sustainable Development Goals,

Underlining the importance of mainstreaming anti-corruption efforts into national development strategies and processes in order to address corruption to achieve the Sustainable Development Goals,

Welcoming the engagement of States parties to the United Nations Convention against Corruption through appropriate measures, such as the development of national action plans to strengthen implementation of the Convention at the domestic level and participation in the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, aimed at identifying gaps and assisting countries in meeting the objectives of the Convention,

Recalls the final report of the Human Rights Council Advisory Committee on the issue of the negative impact of corruption on the enjoyment of human rights,[1]

1. *Urges* States that have not yet done so to consider ratifying the United Nations Convention against Corruption, and calls upon States parties to the Convention to effectively implement it;

2. *Welcomes* the commitments made by all States in Sustainable Development Goal 16 and its target 16.5 to substantially reduce corruption and bribery in all their forms;

3. *Underlines* the necessity to step up cooperation and coordination among different stakeholders at the national, regional and international levels to fight corruption in all its forms as a means of contributing positively to the promotion and protection of human rights;

4. *Stresses* that preventive measures are one of the most effective means of countering corruption and of avoiding its negative impact on the enjoyment of human rights;

5. *Urges* States to create and maintain, in law and in practice, while addressing the negative impact of corruption on the enjoyment of human rights, a safe and enabling environment in which civil society can operate free from hindrance and insecurity;

6. *Calls for* the strengthening of preventive measures at all levels, and underlines that one key aspect of preventive measures is to address the needs of those in vulnerable situations who may be the first victims of corruption;

7. *Recognizes* that the negative impact of corruption on human rights and sustainable development can be prevented and addressed through anti-corruption education, and notes with appreciation the capacity-building activities and specialized curricula developed by relevant institutions such as the United Nations Office on Drugs and Crime and the International Anti-Corruption Academy;

8. *Encourages* national anti-corruption authorities and national human rights institutions, where they exist, to cooperate through the exchange of information, where appropriate, and the development of joint strategies and action plans to fight corruption and its negative effects on the enjoyment of human rights;

9. *Stresses* that international cooperation can contribute to the prevention of the negative impact of corruption on the enjoyment of human rights, including through the delivery of advisory services, technical assistance and capacity-building, and the exchange of best practices to support States, upon their request, in their efforts in preventing and fighting against corruption;

10. *Invites* the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime, as the secretariat of the Conference of the States Parties to the United Nations Convention against Corruption, to exchange views and keep each other abreast of ongoing activities to deepen the understanding of the nexus between corruption and human rights;

11. *Encourages* the mechanisms of the Human Rights Council to consider, within their existing mandates, the issue of the negative impact of corruption on the enjoyment of human rights;

12. *Requests* the Office of the High Commissioner to organize, before the thirty-ninth session of the Human Rights Council, in September 2018, in coordination with the

[1] A/HRC/28/73.

United Nations Office on Drugs and Crime and with the participation of relevant United Nations entities, an intersessional, half-day open-ended expert workshop, with the objective of exchanging best practices on how the United Nations system supports States in preventing and fighting against corruption, with a focus on human rights;

13. *Requests* the Office of the High Commissioner to prepare a summary report of the above-mentioned seminar, and to submit the report to the Human Rights Council at its forty-first session.

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Human Rights Council
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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Afghanistan,* Andorra,* Azerbaijan,* Bahrain,*† Bosnia and Herzegovina,* Chile,* Egypt,‡ El Salvador, Georgia, Hungary, Iceland,* Mexico,* Monaco,* Philippines, Republic of Korea, Republic of Moldova,* Turkey,* United Arab Emirates: draft resolution

35/... Realizing the equal enjoyment of the right to education by every girl

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Reaffirming the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights and other relevant international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling all relevant Human Rights Council resolutions, in particular resolution 32/20 of 1 July 2016,

Recognizing that the full realization of the right to education for all is an essential condition for achieving sustainable development, and in this regard welcoming the 2030 Agenda for Sustainable Development,[1] including its Sustainable Development Goal 4 on ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all, underlining the commitment therein to eliminate gender disparities in education, and Goal 5 on achieving gender equality, and empowering all women and girls,

* State not a member of the Human Rights Council.
† On behalf of the States Members of the United Nations that are members of the Gulf Cooperation Council.
‡ On behalf of the States Members of the United Nations that are members of the Group of Arab States.
[1] General Assembly resolution 70/1.

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Recalling the need to ensure that all children enjoy the right to education and are ensured equal access to quality early childhood development, care and pre-primary education so that they are ready for primary education, the need to eliminate gender disparities in education by 2030, and the need to build and upgrade education facilities that are child-, disability- and gender-sensitive and provide safe, non-violent, inclusive, accessible and effective learning environments for all,

Recalling also the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all, adopted at the World Education Forum 2015, held in Incheon, Republic of Korea, from 19 to 22 May 2015,

Noting with appreciation the work carried out by all relevant organs, bodies and mechanisms of the United Nations system within their respective mandates, in particular the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization, the United Nations Entity for Gender Equality and the Empowerment of Women, the United Nations Population Fund and the Office of the United Nations High Commissioner for Human Rights, as well as the efforts of organizations and civil society to promote girls' full and equal enjoyment of the right to education,

Deeply concerned that humanitarian crises and armed conflicts are depriving children of access to education, especially girls, who are two and a half times more likely to be out of school than boys in these settings,

Strongly condemning attacks on and abductions of girls because they attend or wish to attend school, deploring all attacks, including terrorist attacks, on educational institutions as such, their students and staff, and recognizing the negative impact that such attacks have on the progressive realization of the right to education, in particular of girls, while recognizing the obligations of States to provide an enabling and secure environment to ensure the safety of schools,

Reaffirming the equal right of every child to education without discrimination of any kind, and noting the multiple and intersecting forms of discrimination often faced by girls,

Stressing the importance of the contribution of parliamentarians, national human rights institutions and civil society, including non-governmental organizations, to the equal enjoyment of the right to education by every girl,

Recognizing that gender stereotypes about the role of women and girls underpin the obstacles to girls' equal enjoyment of quality education and that stereotypes are also perpetuated in school curricula and materials,

Determined to give full effect to the right to education and to guarantee that this right is recognized and exercised without discrimination of any kind,

Recognizing that education is a multiplier right that empowers women and girls to claim their human rights, including the right to participate in public life, as well as economic, social and cultural life, and to participate fully in the making of decisions that shape society,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights, prepared pursuant to Human Rights Council resolution 32/20;[2]

[2] A/HRC/35/11.

2. *Urges* all States:

(*a*) To strengthen and intensify their efforts to take deliberate, concrete and targeted steps to fully realize the equal enjoyment of the right to education by every girl, and to eliminate legal, administrative, financial, structural, social and cultural barriers that hinder girls' equal enjoyment of the right to education, as well as to appropriately ensure non-discrimination in the admission of girls and boys at all levels of education, particularly when designing policy measures, programmes and resource allocations;

(*b*) To strengthen and intensify their efforts to prevent and eliminate all forms of school-related violence against girls and to hold those responsible for those acts accountable;

(*c*) To review, repeal and eliminate, as appropriate, laws, policies and practices that can negatively affect the right to education of every girl, including discriminatory laws, policies, practices, customs, traditions or religious considerations, financial barriers, violence, including sexual violence in the school environment, the worst forms of child labour, and harmful practices, such as female genital mutilation, gender stereotypes, child, early and forced marriage and early pregnancy;

(*d*) To eliminate gender stereotypes from all educational processes, practices and teaching materials, including through periodic review and revision of school curricula, textbooks, programmes and teaching methods, and inclusion of human rights education, including on gender equality and non-discrimination, as part of the mandatory school curriculum, and ensure that girls are encouraged to freely choose non-traditional fields of study;

(*e*) To provide adequate access to water and safe, separate and quality sanitation facilities in schools and promote appropriate hygiene behaviour, since school water supply and sanitation are essential elements of basic education;

3. *Calls upon* States to place enhanced emphasis on quality education for girls, including catch-up, non-formal and literacy education for those who did not receive formal education, and special initiatives for keeping girls in school through post-primary education, and to promote access to skills and entrepreneurship training for girls;

4. *Encourages* States to support girls' access to skills development by expanding the scope of education and training opportunities ranging from basic digital fluency to advanced technical skills in science, technology, engineering and mathematics, and in information and communications technology;

5. *Also encourages* States to increase investments and international cooperation to provide equal opportunity for all girls to complete free, equitable, inclusive and quality early childhood, primary and secondary education, including by scaling up and strengthening national, regional and international initiatives, as appropriate, such as the United Nations Girls' Education Initiative, the Out-of-School Children Initiative, the Global Partnership for Education and the United Nations Population Fund-United Nations Children's Fund Global Programme to Accelerate Action to End Child Marriage, and to explore additional innovative mechanisms based on models combining public and private resources while ensuring that all education providers are qualified and adequately trained and give due respect to human rights, including the right to education;

6. *Encourages* international cooperation to complement the efforts of States in matters relating to education, in particular with a view to effectively eliminating all forms of discrimination and stereotypes in education, and supports the efforts of the United Nations system in this regard;

7. *Reaffirms* the importance of continuing to develop and enhance standards and methodologies at the national, regional and international levels to improve the collection, analysis and dissemination of gender statistics and data on access to education, in particular access to universal primary education; the gender gap in youth literacy; the number of out-of-school children, and others;

8. *Urges* States to support the efforts of developing countries, in particular least developed countries, to progressively realize the right to education, in particular ensuring the right to education of every girl through allocating appropriate resources, including financial and technical resources, in support of country-led national education plans;

9. *Reaffirms* the importance of enhancing the dialogue between the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the Special Rapporteur on the right to education and other partners that pursue the goals of girls' education, with a view to promoting further the right to education of girls in the operational activities of the United Nations system;

10. *Encourages* the High Commissioner and the relevant special procedure mandate holders to give the required attention to realizing the equal enjoyment of the right to education by every girl in carrying out their mandates and in their reporting, and to work collectively towards its realization through practical and efficient steps;

11. *Decides* to remain seized of the matter.